

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MATTHEW LIVERS,)	Case No. 8:08 CV 107
)	
Plaintiff,)	PLAINTIFF'S MOTION TO DISMISS
)	WITH PREJUDICE HIS CLAIMS
v.)	AGAINST DEFENDANTS
)	EARL SCHENCK, SANDRA WEYERS
EARL SCHENCK, Cass County)	AND CASS COUNTY, NEBRASKA
Sheriff's Investigator; et. al.,)	
)	
Defendants.)	

Matthew Livers, Plaintiff in the above-captioned matter, hereby moves the Court for an Order pursuant to Fed. R. Civ. P. 41(a)(2) dismissing with prejudice all his claims alleged against Defendants Earl Schenck, Sandra Weyers and Cass County, Nebraska.

Plaintiff Livers' claims against the other Defendant parties remain active and dismissal of Defendants Schenck, Weyers and Cass County, Nebraska has no impact on the claims Plaintiff has pending against the other Defendants.

Plaintiff states that the Court may enter an Order of Dismissal with Prejudice without further hearing or evidence. Plaintiff Livers and Defendants Schenck, Weyers and Cass County, Nebraska stipulate and agree that each party will pay their own attorney's fees and costs. No costs are to be assessed against either party.

WHEREFORE, Plaintiff requests that the Court enter an Order dismissing with prejudice all Plaintiff's claims against Defendants Schenck, Weyers and Cass County, Nebraska.

MATTHEW LIVERS, Plaintiff,

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**Counsel for Defendants Schenck,
Weyers and Cass County, Nebraska**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was filed with the Clerk of the Court using the CM/ECF filing system which automatically sent notice of such filing to the counsel of record for all parties and to Defendant David Kofoed, pro se, who is registered to receive CM/ECF filings from the Court.

s/Locke Bowman
Counsel for Plaintiff Livers